

REMARKS

In the Office Action mailed August 28, 2007, the Examiner objected to the abstract, and rejected claims 1-49 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,788,775 to Simpson ("Simpson").

I. The Objection to the Abstract

The Examiner objected to the abstract because the abstract states "Methods and systems for screening a call are disclosed" (Office Action at p. 2). In light of the amendment to the abstract presented herein, Applicants respectfully request the Examiner to withdraw the objection.

II. The Rejection of Claims 1-49 under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 1-49 under 35 U.S.C. § 102(e) as being anticipated by *Simpson*. In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8th Ed., Rev. 3, Aug. 2005), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131.

A. *Simpson* does not teach or suggest each and every claim element

Claim 1 recites a method for screening a call, comprising "providing a notification of the call to a device associated with the user ... the notification including a user-

selectable call screening option" and "initiating the call screening function when the user selects the call screening option." *Simpson* does not teach or suggest "initiating the call screening function when the user selects the call screening option."

Simpson discloses a method of validating a passcode in a telephone network by using a hash function to hash a telephone number to a passcode (*Simpson*, abstract). *Simpson* also discloses a privacy manager service that screens calls to the subscriber's line when the calling location has blocked caller ID or the calling location's identity is unknown to the telephone network (*Simpson*, col. 11, lines 40-48). When a subscriber uses such a privacy manager service, the subscriber may have difficulty calling his own phone number from a remote calling location that blocks caller ID or is unknown to the subscriber's telephone network (*Simpson*, col. 11, lines 59-63). *Simpson* discloses that the user can enter their passcode in order to override the call screening function of the privacy manager service (*Simpson*, col. 11 line 64 to col. 12 line 4).

The Examiner relies upon *Simpson*'s privacy manager service as corresponding to the claimed call screening function (Office Action at p. 4). However, the claimed call screening function is "initiat[ed] ... when the user selects the call screening option," the call screening option being provided in a "notification of the call to a device associated with the user." In contrast, *Simpson*'s call screening is based on an existing subscription to a privacy manager service, not by selecting a call screening option provided in a notification of a call. Therefore, *Simpson* fails to teach or suggest the claimed "initiating the call screening function when the user selects the call screening option," as recited by independent claim 1.

Simpson also fails to teach or suggest the claimed “providing a notification of the call to a device associated with the user ... the notification including a user-selectable call screening option” (emphasis added). As discussed, *Simpson* discloses that the subscriber is provided with an opportunity to override the call screening of the privacy manager service in order to access the subscriber’s own telephone from a remote location. Even assuming the subscriber’s own telephone corresponds to the claimed “device associated with the user,” *Simpson* does not disclose a notification with a user-selectable call screening option is provided to the user’s own telephone. Indeed, the subscriber is calling from a remote location and *Simpson* does not disclose that the subscriber receives such a notification at his own telephone. Therefore, *Simpson* fails to teach or suggest the claimed “providing a notification of the call to a device associated with the user ... the notification including a user-selectable call screening option” (emphasis added), as recited by independent claim 1.

Simpson also fails to teach or suggest the claimed “determining whether a calling party number associated with the calling party is valid following a determination that the real-time call management function is not enabled” (emphasis added). As discussed, *Simpson* discloses that the privacy manager service screens calls from locations that have blocked caller ID or are unknown to the subscriber’s telephone network. The Examiner relies upon *Simpson*’s privacy manager service as allegedly corresponding to the claimed real-time call management function (Office Action at p. 3). However, *Simpson* is silent as to any determination made about the validity of a telephone number when the privacy manager is not enabled. Therefore, *Simpson* fails to teach or suggest the claimed “determining whether a calling party number associated with the

calling party is valid following a determination that the real-time call management function is not enabled" (emphasis added), as recited by independent claim 1.

Because *Simpson* fails to teach or suggest each of the features of claim 1, Applicants submit that *Simpson* does not anticipate claim 1. Since independent claims 10, 17, 26-29, 38, and 45-49 recite language similar to that which distinguishes claim 1 from *Simpson*, Applicant further submits that claims 10, 17, 26-29, 38, and 45-49 are not anticipated by *Simpson* for at least the reasons given with respect to claim 1.

Claims 2-9 depend from claim 1, claims 11-16 depend from claim 10, claims 18-25 depend from claim 17, claims 30-37 depend from claim 29, and claims 39-44 depend from claim 38. These dependent claims are allowable not only for the reasons stated above with regard to their respective allowable base claims, but also for their own additional features that distinguish them from *Simpson*.

Dependent claim 3 recites "determining whether a calling party number associated with the calling party is valid based on a determination that the user has not responded to the notification after a predetermined period of time" (emphasis added) The Examiner cites to portions of *Simpson* that disclose screening calls, but the cited portions of *Simpson* do not disclose any determination that a user has not responded to a notification after a period of time (Office Action at p. 4, citing *Simpson*, col. 11, lines 42-51). Therefore, *Simpson* fails to teach or suggest "determining whether a calling party number associated with the calling party is valid based on a determination that the user has not responded to the notification after a predetermined period of time" (emphasis added) as recited by dependent claim 3.

Dependent claim 5 recites “playing an announcement comprises playing a Special Instruction Tone (SIT) cadence and prompting the calling party to record a name or enter an override code” (emphasis added). *Simpson* discloses that an audio prompt may not be used to offer entry of a passcode when accessing a voicemail system (*Simpson*, col. 5, line 64 to col. 6, line 9), yet the Examiner relies upon this disclosure when addressing claim 5 (Office Action at pp. 4-5). Further, even assuming *Simpson* is read to disclose playing an audio prompt, *Simpson* does not disclose that the audio prompt comprises a Special Instruction Tone (SIT) cadence. Therefore, *Simpson* fails to teach or suggest “playing an announcement comprises playing a Special Instruction Tone (SIT) cadence and prompting the calling party to record a name or enter an override code” (emphasis added), as recited by dependent claim 5.

Dependent claim 7 recites “ending the call based on the determination that the calling party does not record a name and does not enter a valid override code” (emphasis added). *Simpson* discloses that when a caller enters an invalid passcode in an attempt to override call screening, a service node announces that the caller should “try again” (*Simpson*, col. 12, lines 60-67), yet the Examiner relies upon this disclosure when addressing the claimed “ending the call” (emphasis added)(Office Action at p. 5). Moreover, the cited portion of *Simpson* does not disclose a “determination that a party does not record a name.” Therefore, *Simpson* fails to teach or suggest “ending the call based on the determination that the calling party does not record a name and does not enter a valid override code” (emphasis added), as recited by dependent claim 7.

Dependent claim 8 recites “placing a second call to the user at the device and playing a recording of the calling party when the calling party records a name”

(emphasis added). However, the cited portions of Simpson do not disclose a second call (Office Action at p. 5, citing *Simpson*, col. 11, line 66 to col. 12, line 4). Therefore, *Simpson* fails to teach or suggest “placing a second call to the user at the device and playing a recording of the calling party when the calling party records a name” (emphasis added), as recited by dependent claim 8.

Dependent claim 9 recites “disposing of the call to the user from the calling party based on a response to the second call by the user” (emphasis added). As discussed, *Simpson* merely discloses that the caller should “try again,” (*Simpson*, col. 12, lines 60-67), and the cited portion of *Simpson* does not disclose any second call. Therefore, *Simpson* fails to teach or suggest “disposing of the call to the user from the calling party based on a response to the second call by the user” (emphasis added), as recited by dependent claim 9.

B. The Examiner has not addressed all of the recitations of the claims

In addition to the above-noted deficiencies, the Examiner has not addressed all of the recitations of the independent claims. The Examiner groups claims 1, 10, 17, 26-29, 38, 45, 46, 48, and 49 (Office Action at p. 3). However, claims 10, 26, 28, and 38 recite subject matter not addressed in the Office Action. Claim 10, for example, recites “retrieving data corresponding to the user using the information pertaining to the call,” and “selecting a device associated with the user to receive a notification of the call based on the retrieved data,” recitations not found in claim 1.

Applicants respectfully refer the Examiner to 37 C.F.R. 1.104(c)(2) which states:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that

claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

(emphasis added). Should the Examiner maintain the rejection, Applicants respectfully request that the Examiner address every recitation of the claims, and designate the parts of the reference that are used to support the rejection. In particular, Applicants respectfully request the Examiner to do so for independent claims 10, 26, 28, and 38.

C. The Examiner has not demonstrated that *Simpson's* teachings are arranged as required by the claims

Further, as discussed above, in order to sustain a rejection under 35 U.S.C. § 102, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131. In the rejection of claim 1, the Examiner relies upon *Simpson's* privacy manager service as allegedly corresponding to both the claimed real-time call management function (Office Action at p. 3) and the claimed call screening function (Office Action at p. 4). However, claim 1 recites:

determining whether a calling party number associated with the calling party is valid following a determination that the real-time call management function is not enabled, wherein a call screening function is performed when the calling party number is determined to be invalid

(emphasis added). Applicants submit that *Simpson's* privacy manager service cannot correspond to both the claimed real-time call management function and the call screening function, because the claimed call screening function is performed “following a determination that the real-time call management function is not enabled” (emphasis added). *Simpson* does not disclose that the privacy manager service performs a call screening function following a determination that the privacy manager service is not enabled. Therefore, the Examiner has not established that the teachings of *Simpson*

are "arranged as required by the claim." Should the Examiner maintain the rejection, Applicants respectfully request the Examiner to explain how *Simpson's* privacy manager service can correspond to both the claimed real-time call management function and the call screening function.

III. Conclusion

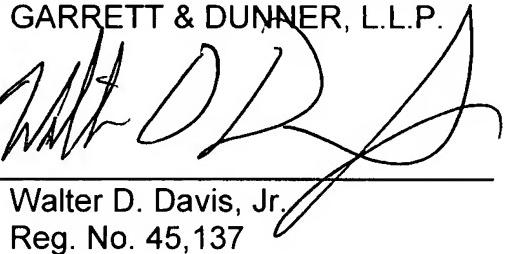
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:


Walter D. Davis, Jr.
Reg. No. 45,137

Dated: November 12, 2007